Case 5:09-cv-00740-EJD Document 83 Filed 07/06/11 Page 1 of 3

1 #65909-3-104 TIMOTHY J. SCHMAL, ESQ. #104874 ASHLEY B. WHEELOCK, ESQ. #241965 2 IT IS SO ORDERED BURTON, SCHMAL & DIBENEDETTO, LLP 3 133 Mission Street, Suite 102 Santa Cruz, CA 95060 Phone: (831)425-5023 4 Facsimile: (831)427-3159 Judge Edward J. Davila 5 Attorneys for Defendants, CITY OF 6 GILROY, POLICE CHIEF DENISE TURNER, CAPTAIN SCOT SMITHEE, OFFICER 7 RODRIGUEZ, SERGEANT WES STANFORD, OFFICER JAQUEZ, OFFICER HEATH 7/6/2011 8 IN THE UNITED STATES DISTRICT COURT 9 FOR THE NORTHERN DISTRICT OF CALIFORNIA 10 SAN JOSE DIVISION 11 ESTATE OF GURMIT SINGH, et) Case No. C09-00740 EJD 12 al.,) STIPULATION OF DISMISSAL OF 13 Plaintiffs,) DEFENDANTS, POLICE CHIEF) DENISE TURNER and CAPTAIN 14) SCOTT SMITHEE; ORDER VS. 15 CITY OF GILROY, et al., Complaint Filed: 2/19/09 16 Defendants. [JURY TRIAL DEMANDED] 17 18 Defendants, POLICE CHIEF DENISE TURNER and CAPTAIN SCOT 19 20 SMITHEE, and Plaintiffs ESTATE OF GURMIT SINGH, et al., by and through their counsel, stipulate as follows: 21 22 1. Plaintiffs will voluntarily dismiss the above-captioned 23 court case, with prejudice, as to Defendants POLICE CHIEF DENISE 24 TURNER and CAPTAIN SCOT SMITHEE, only. 25 2. Defendants will not seek recovery of any attorneys' fees or costs incurred in the defense of this case to date as a result 27 of Plaintiffs' voluntary dismissal of this portion of the court

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case.

Case 5:09-cv-00740-EJD Document 83 Filed 07/06/11 Page 2 of 3 3. Each side to bear its own attorneys' fees and costs. 1 2 IT IS SO STIPULATED. 3 Date: CASPER, MEADOWS, SCHWARTZ & COOK 4 5 6 BY: ANDREW C. SCHWARTZ, Attorneys for Plaintiffs. 7 Date: 6/1/11 8 LAW OFFICES OF KAREN SNELL 9 10 BY: KAREN SNELL, 11 Attorneys for Plaintiffs. 12 Date: 6/26/11 BURTON, SCHMAL & DIBENEDETTO, LLP 13 14 TIMOTHY J. SCHMAL 15 Attorneys for Defendants, CITY OF GILROY, POLICE CHIEF DENISE 16 TURNER, CAPTAIN SCOT SMITHEE, OFFICER 17 RODRIGUEZ, SERGEANT WES STANFORD, OFFICER JAQUEZ, OFFICER HEATH 18 19 20 ORDER 21 IT IS SO ORDERED. 22 23 Date: THE HONORABLE EDWARD DAVILA, 24 JUDGE OF THE U.S. DISTRICT COURT. 25 26 27 28

1	3. Each side to bear i	ts own attorneys' fees and costs.
2	IT IS SO STIPULATED.	
3	6/2/4	
4	Date: O ()	CASPER, MEADOWS, SCHWARTZ & COOK
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6		BY: ANDREW C. SCHWARTZ,
7		Attorneys for Plaintiffs.
8	Date:	LAW OFFICES OF KAREN SNELL
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10		
11		BY: KAREN SNELL, Attorneys for Plaintiffs.
12	Date: 6/26//	
13	Date: 6/26//	BURTON, SCHMAL & DIBENEDETTO, LLP
14		
15		BY: TIMOPHY J. SCHMAL Attorneys for Defendants,
16		CITY OF CILROY, POLICE CHIEF DENISE TURNER, CAPTAIN SCOT SMITHEE, OFFICER
17		RODRIGUEZ, SERGEANT WES STANFORD, OFFICER JAQUEZ, OFFICER HEATH
18		OFFICER GAGGEZ, OFFICER REATH
19	2	
20		ORDER
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22	IT IS SO ORDERED.	
23	Date: July 6, 2011	FOODA
24	and the first and the control of the	THE HONORABLE EDWARD DAVILA, JUDGE OF THE U.S. DISTRICT COURT.
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- 11	STIPULATION OF DISMISSAL OF DEFENDANTS: ORDER [C09-00740 ETD]	